

AMENDMENT NO. I I I I

Calendar No. I I I

Purpose: To prohibit the use of funds by the Environmental Protection Agency to include international indirect land use change emissions in the implementation of the renewable fuel program.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 2996

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Referred to the Committee on I I I I I I I I I I and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, and Mr. GRASSLEY)

Viz:

1 On page 192, between lines 6 and 7, insert the fol-
2 lowing:

3 GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION

4 AGENCY

5 RENEWABLE FUEL PROGRAM

6 SEC. 201. None of the funds made available for the
7 Environmental Protection Agency under this title may be
8 expended by the Administrator of the Environmental Pro-

1 tecton Agency to carry out any activities relating to the
2 inclusion of international indirect land use change emis-
3 sions in the implementation of the renewable fuel program
4 established under section 211(o) of the Clean Air Act (42
5 U.S.C. 7545(o)): *Provided*, That nothing in this section
6 prevents the Administrator from promulgating renewable
7 fuel requirements for calendar year 2010 or any subse-
8 quent calendar year under section 211(o) of that Act.

1Sky * Alaska Community Action on Toxics * Alliance for Climate Protection * Center for American Progress Action Fund * Center for Auto Safety * Center for Biological Diversity * Clean Air Task Force * Clean Water Action * Climate Solutions * Defenders of Wildlife * Environment America * Environmental Defense Fund * Environmental Working Group * Earthjustice * EcoLaw Massachusetts * Friends of the Earth * Global Exchange * League of Conservation Voters * League of Women Voters of the United States * Massachusetts Forest Watch * National Audubon Society National Wildlife Federation * Natural Resources Defense Council * Physicians for Social Responsibility * Sierra Club * Southern Alliance for Clean Energy * Southern Environmental Law Center * Sustainable Energy & Economy Network * Union of Concerned Scientists * The Wilderness Society * World Wildlife Fund

September 21, 2009

Dear Senator:

Senator Murkowski has circulated a draft amendment to the FY 2010 Interior Appropriations bill that would ignore worldwide scientific consensus that carbon dioxide is a pollutant that threatens public health and welfare, block Clean Air Act protections, and delay the move to clean, American-made energy. The amendment seeks to prohibit carbon dioxide from sources other than cars and trucks from being considered a pollutant and blocks the Environmental Protection Agency from taking any action to address carbon dioxide from sources other than cars and trucks. On behalf of millions of Americans across the country, we strongly urge you to oppose the Murkowski amendment to the Interior bill as well as any other amendments that would delay America's investments in clean energy and efforts to tackle global warming.

Pollution is dangerous no matter its source. Global warming pollution from power plants and oil refineries is just as harmful as global warming pollution from cars and trucks. The U.S. Global Change Research Program, U.N. Intergovernmental Panel on Climate Change, and every other major scientific body have concluded that carbon dioxide emissions are warming the planet, threaten public health, welfare, and national security, and urgently need to be reduced.

The Murkowski amendment seeks to exempt from the Clean Air Act the biggest global warming polluters. The amendment would let Big Oil, dirty coal, and other big polluters off the hook for their carbon dioxide emissions, undermining the Clean Air Act's protections for public health and the environment. These sources are responsible for the lion's share of U.S. carbon dioxide emissions. For instance, power plants emit twice as much carbon dioxide as do passenger vehicles.

The Murkowski amendment delays the transition to clean energy. Exempting the biggest sources of carbon dioxide from the Clean Air Act will delay our nation's

transition to efficiency, solar, wind, and other sources of clean energy – sources that won't run out, will only grow cheaper over time, don't harm our environment or public health, and will create millions of clean energy jobs.

The Murkowski amendment sends a loud signal around the world that the United States is not serious about curbing its global warming pollution. In the lead up to key climate talks in Copenhagen in December, this amendment will convey a clear message that the United States is not serious about a global solution to global warming. If the Senate blocks progress in the United States, it will be next to impossible to convince other key countries to reduce their emissions.

We strongly urge you to oppose Senator Murkowski's amendment to the Interior bill as well as any other amendments that would delay America's progress towards a clean energy economy that would create jobs, increase America's energy security, and cut pollution.

Sincerely,

Gillian Caldwell
Campaign Director
1Sky

Kevin S. Curtis
Program Director
The Alliance for Climate Protection

Dan Becker
Director, Safe Climate Campaign
Center for Auto Safety

Armond Cohen
Executive Director
Clean Air Task Force

KC Golden
Policy Director
Climate Solutions

Sarah Saylor
Senior Legislative Representative
Earthjustice

Pamela K. Miller
Executive Director
Alaska Community Action on Toxics

Daniel J. Weiss
Sr. Fellow & Director of Climate Strategy
Center for American Progress Action Fund

William Snape
Senior Counsel
Center for Biological Diversity

Lynn Thorp
National Campaigns Coordinator
Clean Water Action

Mary Beth Beetham
Director of Legislative Affairs
Defenders of Wildlife

EcoLaw Massachusetts

Anna Aurilio
Washington DC Office Director
Environment America

Elizabeth Thompson
Legislative Director
Environmental Defense Fund

Devin Helfrich
Legislative Advocate
Friends Committee on National Legislation

Elizabeth Bast
Director of International Programs
Friends of the Earth

Reede Stockton
Intl Climate Equity Campaign Mgr
Global Exchange

Judy Duffy
Advocacy Chair
League of Women Voters of the United States

Tiernan Sittenfeld
Legislative Director
League of Conservation Voters

Mike Daulton
Legislative Director
National Audubon Society

Chris Matera, P.E.
Spokesperson
Massachusetts Forest Watch

Franz Matzner
Legislative Director
Natural Resources Defense Council

Corry Westbrook
Legislative Director
National Wildlife Federation

Debbie Sease
National Campaign Director
Sierra Club

Kristen Welker-Hood, Sc.D., M.S.N., R.N.
Director, Environment & Health Programs
Physicians for Social Responsibility

Nat Mund
Legislative Director
Southern Environmental Law Center

Jennifer Rennicks
Federal Policy Director
Southern Alliance for Clean Energy

Elizabeth Martin Perera
Washington Representative
Union of Concerned Scientists

Daphne Wysham
Co-Director
Sustainable Energy & Economy Network

Lou Leonard
Director, US Policy on International Climate
Affairs
World Wildlife Fund

David H. Moulton
Director, Climate Policy & Conservation
Funding
The Wilderness Society

Administrator Lisa P. Jackson

Jack and Jill (Day On the Hill)

September 23, 2009

Acknowledgements

- TBD
- Good morning. I know you have a busy couple of days planned for your time in Washington, DC. Thank you for sharing some of that time with me.
- First of all, thank you to all the mothers in the room. I have two teenage sons, and in everything I do, including my job as Administrator of the EPA, I am first and foremost a mother.
- I'm grateful for all that you're doing.

<<P>>

- Today, I want to speak to our young people. I'm glad you're here with us in Washington, and that you're up so early today.
- First of all, because by coming to Washington and going to Capitol

Hill, you are seeing first hand how you can make your voice heard.

- You are learning how to change the world for the better.

<<P>>

- I remember when I was your age, I came to Washington and saw some of the things you're seeing. I think it has a lot to do with why I'm here now.
- I grew up in the in 9th Ward of New Orleans, which is a neighborhood with many challenges. Some of you may remember the 9th Ward because it was one of the places hit hardest by Hurricane Katrina four years ago.
- It wasn't always easy. School segregation had only recently been abolished in the south.
- My family had its fair share of struggles. My parents worked hard and neither of them had finished college.

- But like you, I had a lot of adults around me who cared about my future. My parents, and the people in my community kept me on the right path.
- I wasn't always so happy about it. Sometimes my neighbors would call home to tell my mom if I had been up to something I shouldn't have. And at the time I wished they would mind their own business.
- But today it makes a lot of sense to me. My future was their business – just like your future is our business.
- So, I worked hard in school, which helped me get to college, which helped me get to graduate school, which helped me find my career.
- Today, because of the work that I did back when I was your age, I get to go to meetings with President Obama. I work along with him in a job that I love.

<<P>>

- That job is to protect and preserve the planet for your generation.
- And that's a responsibility that we'll eventually pass to you. \

- You are going to be the next generation of leaders – in your own communities, or here in Washington, DC, or maybe even at the White House.
- By that time, the world is probably going to be an entirely different place.
- Which brings me to the next reason I'm glad you're here. Because you are growing up at a time when the world moves faster than it ever has before.

<<P>>

- Now, my parents used to tell me the same thing. I didn't really understand them back then. So let me explain what I mean.
- I was your age not all that long ago, and even in a short period of time things have changed dramatically.
- We did a lot of the same things, but how we did them was entirely different.

- If I wanted to call my friends, I had to go into the kitchen to use the telephone, which was attached to a wall. Imagine your cell phone – only bigger. With a long cord. And if you wanted to talk to your friends, you had to sit there in the kitchen while your mom listened.

<<P>>

- When I wanted to type up a paper for class, I went to the closet and got out a typewriter. No one I knew had a computer at home.
- If I had to do research, it came from a book because there was no internet and no Google.
- There was no email. No Twitter. No texting.

<<P>>

- And in a short time, it all changed.

<<P>>

- My two sons do everything different these days. And so do I.

- I just got an iPhone. I use it to check out my facebook page when I'm on the road.
- These are things I would have never dreamed of in high school – when I was your age. But here we are.

<<P>>

- In the time between now and when you are my age, your world is going to change like mine did – only it's going to happen faster.
- One thing I work on and talk about all the time is the revolution that we are seeing in the ways we use and produce energy.
- In fact, it's something that Congress is working on right now. Some of you might even be planning to talk to them about it.
- This is a situation where, not too long from now, you're going to do a lot of the same things, but you're going to do them differently.
- Some of you are just now old enough to get your driver's license, right?

- Not too many years from now, you may take your car out for a drive, and instead of pulling over to fill up the tank with gasoline, you might be pulling over to change out the electric battery.

<<P>>

- You may turn on the air conditioner at your house – but rather than running off the energy from a coal burning power plant, it will be powered by solar panels on your roof.
- If those solar panels are generating more power than you need, you may be able to sell that energy back to your utility company, or to your neighbor.
- When you go to the movies, if you buy a coke and some popcorn at the theater, the trash that you throw away – instead of just ending up in a big pile outside of town – could be broken down and transformed into energy that helps power the entire theater.

<<P>>

- And here's another reason I'm glad you're here: you are the ones that are going to make all that possible.

<<P>>

- Since I started this job I've been to wind farms and manufacturing plants and spoken with scientists about solar panels.
- But one of the most interesting and innovative clean energy projects I've seen was being done by young people – high school students.
- Earlier this year I visited West Philadelphia High School where students are building a hybrid car – a car that reduces pollution and saves people money by running on both electricity and gas.
- The vast majority of the students at West Philly are black. Many of them come from the poor, disadvantaged, under served neighborhoods around the school.
- And from this place where no one would have expected it, where people might have counted them out, when others might have been ready to give up on them, they are doing something extraordinary.

- The hybrid car they're building has outperformed others built by teams at the most advanced universities and the best-funded private companies around the world.
- High school students from the inner city are taking their car and putting it up against other hybrid vehicles from around the world.
- They're entered in a contest called the Progressive Automotive X Prize competition. If they win – and a lot of people think they have a good shot – they take home \$10 million.

<<P>>

- Your generation is way ahead of the curve – and that's where we need you to be.
- And you have a special advantage – everyone in this room is looking out for you.
- You have a better chance to make change than any generation before you.

- I look forward to seeing where you're going to take us. Enjoy your day on the hill, and I hope you'll come back to Washington soon.
- Thank you very much.

September 23, 2009

MEMORANDUM

TO: Chesapeake Bay Federal Leadership Committee

FROM: Sally Ericsson, Associate Director, Office of Management and Budget *EC*
Nancy Sutley, Chair, Council on Environmental Quality *MAS*

SUBJECT: Budget guidance for the draft strategy to restore the Chesapeake Bay

Background

On May 12, 2009, President Obama signed Executive Order (E.O.) 13508 on Chesapeake Bay Protection and Restoration. This E.O. began a new era of shared Federal leadership to restore the health, heritage, natural resources, and social and economic value of the Nation's largest estuarine ecosystem.

The E.O. created a Federal Leadership Committee (FLC), chaired by EPA, and required agencies to draft reports that address key challenges to protecting and restoring the Chesapeake Bay. These seven draft reports, released for public comment on September 10, 2009, made recommendations on how to (agency lead in parentheses):

- 1) Define the next generation of tools and actions to restore water quality (EPA);
- 2) Target resources to better protect the Chesapeake Bay and its tributary waters (USDA);
- 3) Strengthen stormwater management practices at Federal facilities and on Federal lands (DoD);
- 4) Assess the impacts of a changing climate (DOI/DOC);
- 5) Expand public access to waters and open spaces (DOI);
- 6) Strengthen scientific support for decisionmaking (DOI/DOC); and
- 7) Develop focused and coordinated habitat and research activities (DOI/DOC).

We appreciate the thoughtful and thorough attention the agencies gave to completing these drafts in a short period of time.

Budget guidance

Section 203 of the E.O. requires the FLC to publish for public review a draft strategy for protecting and restoring the Chesapeake Bay by November 9, 2009. As the FLC begins to consider the draft Section 202 reports prepared by the agencies and its draft strategy, it should use the following guidance to aid decisionmaking and deliberations. The purpose of this guidance is to ensure both coordination between the draft strategy and the FY 2011 President's Budget process, and a robust strategy that is implementable and properly reflects the Administration's priorities.

- **The draft strategy should be generally consistent with OMB Director Orszag's June 11, 2009 guidance to agencies on the FY 2011 President's Budget.** As such, the draft strategy should generally only include actions that can be funded through agencies' existing base funds to the fullest extent possible, including in the outyears.
- **The FLC should develop an estimate for the total cost of implementation for Federal agency actions called for in the draft strategy.** This estimate will help inform Executive Branch review and should include agency contributions from base funds, as well as additional funding needed to implement high priority actions that agencies believe cannot be accommodated within budget guidance. Figures should include FY 2010 costs, FY 2011 estimates, and annual estimates for the following five fiscal years. To the extent practicable, the cost estimates should also indicate where State or local governments or other parties are expected to contribute matching or supplemental funds. This predecisional document will be considered internal to the participating agencies and not released to the public.
- **The FLC should submit to OMB and CEQ by October 9, 2009 a package of elements of the draft strategy for which an addition to base funds is needed.** This package should include a description of the action, a summary of expected costs, and a discussion of why the action is critical to meeting the goals of the E.O. Agencies should be able to provide strong justification of the need for additional funds, including a clear explanation of how the funding estimate was developed. This information will help all involved prepare for review of the draft strategy and allow for discussions on some of the funding issues to begin early in hopes of resolution and minimal last-minute conflicts.
- **The FLC should provide OMB and CEQ with its working draft strategy and cost estimate for review by October 23, 2009.** This schedule will allow sufficient time for review and resolution of comments prior to the planned release date of November 9, 2009.
- **Any issues (other than outstanding FY 2011 Budget issues) unresolved on November 3, 2009 will be reconciled at an interagency meeting hosted by OMB and CEQ on that day.**

OMB and CEQ commit to working with the FLC to ensure that the draft strategy meets the goals of the E.O. while also aligning with the established budget process. We look forward to working with the agencies to address this Presidential priority, and developing a shared strategy that defines a new era of Federal leadership for the Chesapeake Bay.

Please do not hesitate to contact us or our staffs if you have questions. Thank you for your work on this very important issue.

Administrator Lisa P. Jackson
Commonwealth Club of San Francisco
September 2009

It is a privilege to speak at the Commonwealth Club. I was looking through some of your archives. I saw a speech from a few years ago proclaiming “The Death of Environmentalism.” I’m happy to report today that environmentalism is not, in fact, dead. It has been sick. But thanks to President Obama we’re going to be able to get it health care – even with the pre-existing condition of the last eight years.

And it’s a good thing, too. Right now, our planet is facing a deteriorating atmosphere and a rapidly changing climate. Our country is entering a global race for clean energy, with fierce environmental and economic urgency. And our communities are recovering from years of federal inaction on air, water, and land.

At the same time, our awareness of environmental issues is broader than ever. Environmental issues are written up in the business pages now. Al Gore won a Nobel Peace prize for his work on climate change – not to mention an Academy Award. There is no red state or blue state divide in the ubiquitous quest for green jobs.

This is a long way from debates about spotted owls.

In many ways, the country has caught up with California. Two weeks ago we announced a clean car program that will keep more than 950 million tons of CO₂ from the skies and represented the first-ever national greenhouse gas emissions standards for vehicles.

That program has origins here. I remember signing on to that lawsuit as Commissioner of the Department of Environmental Protection in New Jersey back in 2007. Two years later, as EPA Administrator, I was proud to be able to sign the California waiver into life.

Mark Twain used to say that when he dies he hopes it's in Kentucky, because everything there happens two years later than the rest of the country. For environmentalists, we want to be in California since everything here happens two years earlier.

Our challenge at EPA is to rise to this moment. We've hit the ground running on priority issues: first-ever national initiatives to confront climate change; restoring the rightful place of science as our cornerstone and rebuilding public trust in our work; revitalizing protections from toxic chemicals, smog, water pollution; and expanding the conversation on all of these issues, so that communities most affected by environmental degradation have a voice.

If you wonder whether elections really matter, look no further than this agency. I believe that we have done more in the last eight months than was done in the last eight years.

And there's plenty to come, which is part of what I want to talk about today. In my tenure as head of the EPA, I intend to focus on four key areas of special need: confronting climate change and getting America running on clean energy; protecting and cleaning up our air and water; updating our country's regulations and laws on chemicals and toxics, and expanding the conversation on environmentalism. I want to talk about all these things today. And I want to make some news about one of them, which I will get to in a moment. But since this is my first trip to California, let me do all that by way of introducing myself, and explaining how my experience shapes my priorities for the years ahead.

I grew up in the 9th Ward of New Orleans, and started elementary school shortly after segregation ended. In college at Tulane, I majored in chemical engineering, and I planned to work for the oil companies. In New Orleans, that was what you did. They were good jobs.

But as I got older, I felt pulled to public service. That came from my father. My father worked for the Postal Service in New Orleans. He was, like me, a government employee. He was, like me, someone working to support a family. But he was also – like I strive to be – a person on the front line serving his community.

My father knew the people on his route. He used to ring the bell when your Social Security check came in, just to make sure it got in your hands. He also took the postal service's "rain, snow, or shine" idea seriously, and I can remember watching him leave the house in some of the worst weather.

He was a trusted part of his community, and I've often thought about him as we work to rebuild confidence in our work at EPA. In recent years, many Americans have had cause to wonder whether decisions made at EPA were guided science and the law, or whether those principles had been trumped by politics. We have had to respond to that skepticism in these first months.

On my very first day I sent a memo to every EPA employee stating that our path would be set only by the best science and the rule of law, and that every action would be subject to unparalleled transparency. In the course of getting EPA back on the job, we've reviewed decisions like the California waiver refusal and the endangerment finding. The endangerment finding was mandated by the Supreme Court in 2007. That decision – perhaps the most important decision ever handed down in environmental law – directed EPA to determine if greenhouse gases pose a threat to the health of Americans, and – if so – the obligation to regulate them under the Clean Air Act. The court's verdict sent a clear message: there are no more excuses for delay. But in an example that may go down as one of the great “black eyes” of environmental history, when the very first endangerment finding was sent to the Bush White House two years ago, they simply refused to open the email. So, regrettably, nothing much changed – until we got into the building. We quickly set to work on our own document and submitted it as directed by the court. We have received more than 300,000 responses in the 60-day public comment period. And I can assure you that we have opened all the emails.

I used to tell my father that I wanted to work at the Post Office. Of course, I didn't quite go that route. However, when my Dad worked for the Postal Service, his boss's, boss's, boss's boss all the way up the line was the Postmaster General. Today, EPA Headquarters are located in the building that was once the Post Office headquarters in Washington, DC. Every day, I come in and sit down at my desk in the same office where the Postmaster General used to sit. Every day, it reminds me of my dad. Every day, it reminds me that, like him, I serve a community, and play a role in people's lives.

<<P>>

After Tulane, I got my Masters in chemical engineering from Princeton, and wrote my thesis on wastewater. That was right around the time of Love Canal – the neighborhood in New York where they found 20,000 tons of toxic waste illegally buried underneath people's homes. I saw news about communities suffering from environmental challenges – and, stepping in to help those communities, was the EPA.

For the next 15 years, I worked with EPA, on the ground, with those communities and the people in them. I still keep a letter in my desk from a woman whose community was on top of a former Superfund site. She began to advocate for better cleanup when people in her neighborhood began getting sick. I helped get her community back on the national priorities list, and revitalized the cleanup effort. I keep her letter as a stark reminder of what we can accomplish when we do our jobs, and what the consequences are when we don't.

In those years at EPA, I saw how federal action took shape under three Presidents and six administrators. And I watched as the issues evolved. In 2002 I joined the New Jersey Department of Environmental Protection. In 2005, Hurricane Katrina hit. My mother was still living in the 9th Ward. I happened to be visiting for her birthday, and ended up driving her to safety. Like so many others, my mother lost everything she had.

In the face of that tragedy, I almost left public service. I was disheartened by the lack of preparation; by the lack of protection; and by a delayed response that cost people their lives. But there was something that drew me back.

After Katrina, we learned that the devastation and flooding were so bad because marshes and wetlands – the area’s natural defenses – had been destabilized and cut away for oil and gas lines. My mother can now make as compelling an argument as any wetlands expert I’ve met about the need to protect and preserve wetlands. And watching that transformation has been an awakening for me.

I saw an urgent need to broaden the conversation. That was a focus for me when I took the job as Commissioner at DEP the next year. It was an issue I raised when President-elect Obama appointed me to his transition team last year. And it’s a priority now. As the first African-American to lead the EPA, under the first African-American President, I feel a special obligation to change the face of environmentalism.

African Americans die from asthma twice as often as whites, and have higher cancer mortality rates than any other group. Nearly 30 million Latinos – 72 percent of the US Latino population – live in places that don't meet US air pollution standards. Native American homes lack clean water at almost 10 times the national rate. Yet, these are not the voices driving the environmental debate in our country.

We have begun the process of changing the face of environmentalism, but we have to continue to make room for new and different kinds of environmentalists.

That includes rising above partisanship. If we're slipping in the polls, we can't ask climate change to wait. We can't say that human health is next year's issue. Historically, environmentalism has been a bi-partisan issue. The National Environmental Protection Act and the Environmental Protection Agency all began under President Nixon. I started at the EPA under President Reagan. At that time, if you were interested in helping the environment, EPA was the best place you could be. Today, I get as many letters and requests for urgent action from red states as I do from blue states. I meet and collaborate with all kinds of people, all over the country, and from the full spectrum of political perspectives. They don't all align the same way on every issue, and they don't all take cues from their parties when it came to important environmental issues. So, I don't expect all of our support to come from people who label themselves "environmentalists."

In the same way that my perspective is shaped by being African American, it is also shaped by being a mother of two teenage sons. I know how

environmental problems can affect a child and a family. My 12-year-old son Brian has fought with asthma his entire life. His first Christmas was spent in the hospital, unable to breathe, and all his life we have had to be careful when it gets too hot outside, and the ozone levels rise, or when other environmental triggers are present. My family can't take for granted that Brian's going to be able to breathe easy. I still pop up at night when I hear him stirring, and expect to hear the cough.

In every action I take, I am acting not just as EPA Administrator but also as a mother. I never lose sight of the fact that protecting children's health is EPA's top priority. That means we take aggressive steps when we see areas where our kids are especially vulnerable. It also means that we won't leave long-term challenges like climate change for the next generation to solve.

My experience as a parent affords me another important perspective as well: that of the active American consumer. The parents here will understand that the last thing I want to do is drive up the cost of the products we buy, or position the EPA, or the debate on climate change, as an obstacle to prosperity.

Right now, I want to talk about another issue that is central to everything from restoring public trust to protecting our children to growing our economy: understanding the risks posed by chemicals and doing our utmost to make sure they are safe.

After World War II, the chemical industry in this country grew by leaps and bounds, earning the US an enviable reputation for innovation but also making chemicals pervasive in our lives. Everything from our cars, to the cell phones we all have in our pockets are constructed with plastics and chemical additives. The technological revolution that my two sons take for granted has done more than change the way we interact with each other – it's made chemicals ubiquitous in our economy and products – as well as our environment and our bodies.

A child born in America today will grow up exposed to more chemicals than a child from any other generation in our history. A 2005 study found 287 different chemicals in the cord blood of 10 newborn babies – chemicals from pesticides, fast food packaging, coal and gasoline emissions, and trash incineration¹. They were found in children in their most vulnerable stage. Our kids are getting steady infusions of industrial chemicals before we even give them solid food.

Now, some chemicals may be risk-free at the levels we are exposed. But as more and more chemicals are found in our bodies and the environment, the public is understandably anxious and confused. Many are turning to government for assurance that chemicals have been assessed using the best available science, and that unacceptable risks haven't been ignored.

Right now, we are failing to get this job done. Our oversight of the 21st century chemical industry is based on the 1976 Toxic Substances Control Act. It was an important step forward at the time – part of a number of

¹ <http://www.ewg.org/reports/bodyburden2/execsumm.php>

environmental wins from the 1970s, like the Clean Air Act and the Clean Water Act, not to mention the formation of the EPA. But over the years, not only has TSCA fallen behind the industry it's supposed to regulate - it's been proven an inadequate tool for providing the protection against chemical risks that the public rightfully expects.

Manufacturers of existing chemicals aren't required to develop the data on toxicity and exposure needed to assess potential risks and demonstrate to EPA that chemicals meet risk-based safety standards. EPA has tools to require the industry to conduct testing, but they are cumbersome and time-consuming. As a result, there are troubling gaps in the available data on many widely used chemicals in commerce.

On new chemicals, companies have no legal obligation to develop new information, only to supply data that *may already exist*. As with existing chemicals, the burden of proof falls on EPA. Manufacturers aren't required to show that sufficient data exist to fully assess a chemical's risks.

If EPA has adequate data, and wants to protect the public against known risks, the law creates obstacles to quick and effective action. Since 1976, EPA has issued regulations to control only **five** existing chemicals determined to present an unreasonable risk. Five from a total universe of almost 80,000 existing chemicals.

In 1989, after years of study, EPA issued rules phasing out most uses of asbestos, an exhaustively studied substance that has taken an enormous

toll on the health of Americans. Yet, a court overturned EPA's rules because it had failed to clear the many hurdles for action under TSCA.

Today, advances in toxicology and analytical chemistry are revealing new pathways of exposure. There are subtle and troubling effects of chemicals on hormone systems, human reproduction, intellectual development and cognition. Every few weeks, we read about new potential threats:

Bisphenol A, or BPA – a chemical that can affect brain development and has been linked to obesity and cancer – is in baby bottles; phthalate esters – which have been said to affect reproductive development – are in our medical devices; we see lead in toys; dioxins in fish; and the list goes on. Many states – including California – have stepped in to address these threats because they see inaction at the national level. .

Senator Lautenberg, Chairman Waxman, Senator Boxer, Congressman Rush and others in Congress have already recognized, TSCA must be updated and strengthened. EPA needs the tools to do the job the public expects. President Obama, as well, has made this a top-level priority for this EPA.

Today I'm announcing clear Administration principles to guide Congress in writing a new chemical risk management law that will fix the weaknesses in TSCA. Let me highlight some principles that are of overriding importance:

First, we need to review all chemicals against safety standards that are based solely on considerations of risk – not economics or other factors –

and we must set these standards at levels that are protective of human health and the environment.

Second, safety standards cannot be applied without adequate information, and responsibility for providing that information should rest on industry. Manufacturers must develop and submit the hazard, use, and exposure data demonstrating that new and existing chemicals are safe. If industry doesn't provide the information, EPA should have the tools to quickly and efficiently require testing, without the delays and procedural obstacles currently in place.

Third, both EPA and industry must include special consideration for exposures and effects on groups with higher vulnerabilities – particularly children. Children ingest chemicals at a higher ratio to their body weight than adults, and are more susceptible to long-term damage and developmental problems. Our new principles offer them much stronger protections.

Fourth, when chemicals fall short of the safety standard, EPA must have clear authority to take action. We need flexibility to consider a range of factors – but must also have the ability to move quickly. In all cases, EPA and chemical producers must act on priority chemicals in a timely manner, with firm deadlines to maintain accountability. This will not only assure prompt protection of health and the environment but provide business with the certainty that it needs for planning and investment.

Fifth, we must encourage significant innovation in green chemistry, and support research, education, recognition, and other strategies that will lead us down the road to safer and more sustainable chemicals and processes. All of this must happen with the utmost transparency and concern for the public's right to know.

Finally, we need to make sure that EPA's safety assessments are properly resourced, with industry contributing its fair share of the costs of implementing new requirements.

I take great comfort that the call for change in our chemical management laws is rising from all quarters. A broad coalition of environmental advocates, unions, medical professionals and public health groups – including grass-roots organizations from across the country – has come together to make the case for stronger chemicals regulation.

Industry too, has called for action. Chemical producers are worried not only about facing an inconsistent patchwork of state laws, but believe that their industry can thrive only if the public is confident that their products meet rigorous safety standards. And they want the US to lead the world in chemical risk management, not fall further behind.

Many states – who have been on the leading edge of addressing chemical risks – have also echoed the call for reform. It's not often that the chemical industry, states and the environmental community agree that the current system is not workable, and have similar visions of how the new system

should be shaped. There are certainly differences of opinion and important details to be worked out. But the common ground that exists makes me optimistic that Congress can put a new law in place that has broad support from all the stakeholders.

EPA will do its part to make a new law a reality. Assuring chemical safety in a rapidly changing world, and restoring public confidence that EPA is protecting the American people is a top priority for me, my leadership team, and the President.

This is one of several priority issues, all of which we will be tackling in the days ahead. I urge you to stay tuned.

We know that this is a transformative moment for our country. We are likely to look back and see far-reaching changes on multiple fronts – from our financial system to health care to our role as a world leader. For our environment, this is a time unlike any I have seen in two decades of work on these issues. We have an emerging global challenge, an energized President, the proficiency to tackle almost anything that comes our way, and a population that is tired of waiting for action. Our towering challenges are dwarfed by some of the greatest opportunities we have ever seen to protect our health and our environment. I hope it's clear to you that I – and all of my colleagues at EPA – fully intend to seize those opportunities.

And I hope you will join us in that work. Thank you for inviting me today.

Deliberative

Deliberative

For discussion:

Deliberative

Recipients to be determined by EPA OCIR & DHS

Deliberative

Deliberative

Deliberative

September 25, 2009 Additional Requests

COP15 Copenhagen December 2009

Deliberative

Deliberative

--	--	--	--	--